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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,642	01/20/2004	Glenn A. Morten	08223/100S130-US1	1026
7278	7590	05/26/2005	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			ZAND, KAMBIZ	
		ART UNIT	PAPER NUMBER	
		2132		

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/760,642	MORTEN, GLENN A.	
	Examiner	Art Unit	
	Kambiz Zand	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03/28/2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26, 28-33 and 35-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-26, 28-33 and 35-40 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Kambiz Zand
[Signature]

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this section can be found in the prior office action.
2. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
3. Claims 27 and 34 have been cancelled.
4. Claims 1, 3, 8, 15, 26 and 32 have been amended.
5. New claim 40 has been added.
6. Claims 1-26, 28-33 and 35-40 are pending.

Response to Arguments

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

9. **Claim 28** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 28, the “decompressing..” phrases makes the claims indefinite and unclear in that neither means nor interrelationship of means are set forth in these claims in order to achieve the desired results expressed in the “decompressing” phrases. In order for the decompression takes place the content should have been compressed in the first place. Examiner considers the act of decompression as decryption for the purpose of examination. Corrections or clarification is requested.

Claim Rejections - 35 USC § 103

10. Claims 1-4, 6-16, 18-22, 24-26, 28, 29, 31-33, 35-37, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Al-Salqan (6, 160, 891 A) in view of Ansell et al (6,792,113 B1).

As per claims **1-4, 6-16, 18-22, 24-26, 28, 29, 31-33, 35-37, 39 and 40** Al-Salqan discloses A system for securely playing a content stream, comprising: (a) a processor that is arranged to perform actions, including: (1) selectively encrypting at least a portion of the content stream using a content key; (2) encrypting the content key using a screener key; and (3) encrypting the screener key using a public key; and (b) receive the selectively encrypted content stream and encrypted screener key, and to perform actions, including: (1) decrypting the encrypted screener key using a private key associated the public key, wherein the public key and the private key; (2) decrypting the encrypted content key using the screener key; and (3) decrypting the selectively encrypted content stream using the content key, having user id, authentication

procedure, having CD, memory and encryption of the content using DES or RSA algorithm and where to create a key package that includes the encrypted content; and embedding the key package into content stream (see abstract; fig.2-5; col.3, lines 17-67; col.4-6 and col.7, lines 1-47; and where using DES is using the partition content blocks or units) but do not disclose the content is being played by a player and the player has a assigned pair of public/private key to the above process taught by Al-Salqan. However Ansell et al (6,792,113 B1) disclose having a player content for playing stream content having a unique public key and private key assigned to it (see abstract; fig.1, block 142, 122 and associated text; fig.2 and associated text; col.2, lines 36-53 where the player has binding public and private key; and where player plays content stream; col.6, lines 19-59 where the player plays selected audio or content material; col.7, lines 43-53 for using media key for acquired content where examiner consider such acquiring as selecting a content; Also see the entire reference for detail in relationship with Al-Salquan's reference). It would have been obvious to one of ordinary skilled in the art at the time the invention was made to consider Ansell et al since it disclose an analogous art of playing content using a player and a master key. It would have been obvious to one of ordinary skilled in the art at the time the invention was made to utilize Ansell et al's content player having unique public in order to and private key in Al-Salqan's recovery key system and method in order to use the encryption and decryption keys in a password data structure, which can represent either a machine-binding (content player binding) or a user-binding (see col.2, lines 32-35).

11. Claims 5, 17, 23, 30 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Al-Salqan (6, 160, 891 A) in view of Ansell et al (6,792,113 B1), and further in view of Downs et al (6,226,618 B1).

As per claims 5, 17, 23, 30 and 38 Al-salqan in view of Ansell et al (6, 792,113) discloses all limitations of the claims as disclosed above but do not disclose having HDVD or CD-R and streaming frames such as stream video or stream content. However Downs et al disclose having HDVD or CD-R and streaming frames such as stream video or stream content (see col.59, lines 50-54; col.64, lines 38-58 and col.65). It would have been obvious to one of ordinary skilled in the art to utilize Downs et al 's high definition devices such as CD-R, streaming content in Al-Salqan's secure content delivery having key recovery capability in view of Ansell's content player binding public and private key system and method in order to protect digital content delivery/ and play or replay in sharper resolution and speed.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571) 272-3811. The examiner can normally reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone

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numbers for the organization where this application or proceeding is assigned as (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kambiz Zand

05/23/2005

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